

**REMARKS**

Claims 1-12 are all the claims pending in the application. Claim 9 has been amended for clarity only. Applicant respectfully submits that no new matter has been entered by these amendments and respectfully requests entry of the claims.

**I. Claim Objections**

Claim 9 has been objected to because of informalities. The Examiner asserts that claim 9 needs more specific identification of each data signal. Applicant has amended claim 9 to address the objection of the Examiner. Accordingly, Applicant respectfully requests the entry of this amendment.

**II. Claim Rejections - 35 U.S.C. § 102**

Independent claims 1 and 9 and dependent claims 2, 7, 8, and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fukushima et al. (US 6,205,562 B1). Applicant respectfully traverses this rejection, first with respect to independent claim 1, in view of the requirements shown in bold below:

A digital communication device comprising a **plurality of interconnected modules** for processing and handling **received data signals**, wherein said interconnected modules each comprise monitoring means for **monitoring whether said data signal is erroneous without manipulating or analyzing bits or bytes of said data signal**, and for generating an **output data signal** having a predetermined signal status **if said data signal is erroneous**.

Although the Examiner's position is not clear, the Examiner asserts that the Alarm Detect Units, Guard Timers and Alarm Management Circuits are readable on "a **plurality of**

**interconnected modules.”** If the Examiner is asserting that each of the Alarm Detect Units, Guard Timers and Alarm Management Circuits read on an interconnected module, then Applicant respectfully submits that each of these elements does not comprise “monitoring means for monitoring whether said data signal is erroneous without manipulating or analyzing bits or bytes of said data signal, and for generating an output data signal having a predetermined signal status if said data signal is erroneous.” This can be seen from the Examiner rejection in that each function is carried out by a different unit. On the other hand, if the Examiner is asserting that each interconnected module in the Examiner’s construction to be comprised a Alarm Detect Unit, a Guard Timer and a Alarm Management Circuit, Applicant respectfully submits that this constructed module does not comprise “monitoring means for **monitoring whether said data signal is erroneous without manipulating or analyzing bits or bytes of said data signal**, and for **generating an output data signal** having a predetermined signal status **if said data signal is erroneous.**”

Applicant respectfully submits that Alarm Detect Units 104 and 105 are not “monitoring **whether said data signal** is erroneous **without manipulating or analyzing bits or bytes of said data signal.**” The portions of Fukushima cited by the Examiner simply teach that the Alarm Detect Units 104 and 105 **operate separately from one another** in detecting failures of the working line and protection line respectively. That is, Fukushima’s description of Alarm Detect Units 104 and 105 teaches nothing about “monitoring **whether said data signal** is erroneous **without manipulating or analyzing bits or bytes of said data signal.**” Further, Applicant submits that this feature of the claimed invention is not taught at any other point in Fukushima. As such, Applicant submits that Fukushima does not anticipate claim 1.

Applicant further submits that the Alarm Management Circuits cited by the Examiner as **“generating an output data signal having a predetermined signal status if said data signal is erroneous,”** fail to teach the limitation. This is because the Alarm Management Circuits do not generate a “output data signal.” The only thing generated by the Alarm Management Circuit is the switch control circuit input to allow the switch control circuit to determine which input path should be selected by path selector 103. The only element that could be said to generate a **output data signal** is the path selector 103. (Figure 7). However, this data signal cannot be said to have a predetermined signal status if the received data signal is erroneous because it is simply going to output one of the input paths regardless of whether they are erroneous.

Thus, Applicant respectfully submits that claim 1 is not anticipated under 35 U.S.C. § 102(b) by Fukushima, because the reference does not disclose all of the features of the claim. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1, and claims 2, 7, and 8 at least by virtue of their dependency from claim 1.

Further, Applicant respectfully submits that Fukushima fails to teach the features of independent claim 9 for the same or similar reasons as discussed above with regard to claim 1. As such, Applicant respectfully requests that the Examiner withdraw the rejection of claim 9, and claim 12 least by virtue of its dependency from claim 9.

### **III. Claim Rejections - 35 U.S.C. § 103**

#### **Claims 3 and 11**

Claims 3 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukushima et al. (US 6,205,562 B1) in view of Feinberg et al. (US 2002/0167694 A1).

Applicant respectfully traverses this rejection.

As discussed above, Applicant pointed out that Fukushima is deficient vis-à-vis independent claims 1 and 9. Applicant respectfully submits that Feinberg fails to compensate for the deficiencies of Fukushima. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claim 1 and 9, much less dependent claims 3 and 11.

Therefore, claims 3 and 11 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 3 and 11.

**Claims 4 and 10**

Claims 4 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukushima et al. (US 6,205,562 B1) in view of Fee (US 6,285,475 B1). Applicant respectfully traverses this rejection.

As discussed above, Fukushima is deficient vis-à-vis independent claims 1 and 9. Applicant respectfully submits that Fee fails to compensate for the deficiencies of Fukushima. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claim 1 and 9, much less dependent claims 4 and 10.

Therefore, claims 4 and 10 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 4 and 10.

**Claim 5**

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukushima et al. (US 6,205,562 B1) in view of Ramaswami et al. (US 6,597,826 B1). Applicant respectfully traverses this rejection.

As discussed above, Fukushima is deficient vis-à-vis independent claim 1. Applicant respectfully submits that Ramaswami fails to compensate for the deficiencies of Fukushima. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claim 1, much less dependent claim 5.

Therefore, claim 5 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 5.

**Claim 6**

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukushima et al. (US 6,205,562 B1) in view of Iwamoto et al. (US 5,790,520). Applicant respectfully traverses this rejection.

As discussed above, Fukushima is deficient vis-à-vis independent claim 1. Applicant respectfully submits that Iwamoto fails to compensate for the deficiencies of Fukushima. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined

teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claim 1, much less dependent claim 6.

Therefore, claim 6 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 6.

#### **IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

/Logan J. Brown 58,290/  
Logan J. Brown  
Registration No. 58,290

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